

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
NORTHEASTERN DIVISION

CHRISTIAN IVAN GREEN,)
)
Plaintiff,)
)
v.) Case No. 5:10-cv-02080-KOB-JEO
)
)
BILLY MITCHELL, *et al.*,)
)
)
Defendants.)

MEMORANDUM OF OPINION

The magistrate judge filed a report on October 19, 2010, recommending that the federal claims asserted in the complaint be dismissed without prejudice for failing to state a claim upon which relief can be granted, pursuant to 28 U.S.C. § 1915A(b)(1). The magistrate judge further recommended that any state law claims be dismissed without prejudice, pursuant to 28 U.S.C. § 1367(c)(3). The plaintiff filed objections to the report and recommendation on October 27, 2010, (doc. #9), along with a motion to amend the complaint (doc. #10). The plaintiff subsequently filed a motion for discovery (doc. #11) on November 3, 2010. For the reasons discussed herein, the plaintiff's objections are without merit and his motion to amend the complaint (doc. #10) and motion for discovery (doc. #11) are **DENIED** as moot.

In his objections, the plaintiff reiterates his claim that he was denied adequate medical care for injuries he allegedly suffered playing basketball. He vaguely asserts that he wrote several "request[s]" to defendant Hunt about his injuries, and he repeats his complaint that the defendants refuse to provide him a knee brace. In his motion to amend, the plaintiff states vaguely that his injuries included damage to an eye and shoulder. However, as the magistrate judge noted in the

report and recommendation, the plaintiff's alleged physical injuries are described in vague and conclusory language, and are entirely too broad to objectively describe serious medical conditions upon which constitutional liability can be imposed upon medical personnel. Nothing in the plaintiff's objections, or his motion to amend, shows that the plaintiff has been denied necessary medical care, or that defendants have acted with deliberate indifference. The plaintiff has simply failed to provide specific facts which present a plausible constitutional claim against the defendants.

Ashcroft v. Iqbal, 556 U.S. ___, 129 S. Ct. 1937, 173 L. Ed. 2d 868 (2009).

Accordingly, having carefully reviewed and considered *de novo* all the materials in the court file, including the report and recommendation and the objections thereto, the Court is of the opinion that the magistrate judge's report is due to be and hereby is ADOPTED and the recommendation is ACCEPTED. Therefore, the federal claims in this action are due to be dismissed without prejudice for failing to state a claim upon which relief can be granted, pursuant to 28 U.S.C. § 1915A(b)(1). Any state law claims asserted in the complaint are due to be dismissed without prejudice, pursuant to 28 U.S.C. § 1367(c)(3). A Final Judgment will be entered.

DATED this 16th day of December 2010.



KARON OWEN BOWDRE
UNITED STATES DISTRICT JUDGE